

Application № 10/773,804
Reply to Decision on Appeal of February 2, 2011
and Final Office Action of January 7, 2008

REMARKS / ARGUMENTS

Claims 1-23 are pending in the instant application. Claims 1, 7, 13 and 18 are independent. Claims 2-6, 8-12, 14-17 and 19-23 depend from independent claims 1, 7, 13 and 18, respectively.

By this Amendment, claims 1, 3, 5, 7, 9, 11, 18, 20, and 22 have been amended, as set forth above, to further clarify the language used in these claims, to further prosecution of the present application, and to place the claims in better condition for appeal. Claims 2, 8, and 19 have been cancelled. The Applicant respectfully submits that the claims define patentable subject matter.

Based on the Final Office Action, claims 1-2, 5-8, 11-13, 18-19 and 22-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP 7,155,180 ("Kim"); claims 3-4, 9-10, 14-17 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of USPP 2004/0203472 ("Chien"); and claims 3-4, 9-10, 14-17 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of USPP 2004/0203472 ("Chien"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

However, the BPAI Decision (mailed 2/2/2011) REVERSED the rejection of claims 2-6, 8-17, and 19-23 (See BPAI Decision at p. 7). Therefore, the Applicant considers claims 2-6, 8-17, and 19-23 as allowable subject matter. Accordingly, the

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Applicant has cancelled claims 2, 8, and 19 (as set forth above), and has incorporated the subject matter of these cancelled claims into independent claims 1, 7, and 18, respectively. Based on the above, the Applicant submits that all claims 1, 3-7, 9-18, and 20-23 are allowable.

In general, the Final Office Action makes various statements regarding claims 1-23 and the cited references, which statements are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-23 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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